

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS (Eastern Division)**

DIRECTV, Inc.

Plaintiff

vs.

Brian Silva

Defendant

2004 APR 28 A 11:31

U.S. DISTRICT COURT
DISTRICT OF MASS.

) Case No.: **03cv12371 MLW**

) **AFFIDAVIT OF ATTORNEY FOR**
) **PLAINTIFF'S REQUEST FOR DEFAULT**

Now comes John M. McLaughlin, Attorney for the Plaintiff in the above-entitled action, and, on oath, states the following:

1. On November 24, 2003, the Plaintiff filed a Complaint against the Defendant, **Brian Silva**, in United States District Court, alleging violations of 47 U.S.C. § 605 and violations of 18 U.S.C § 2511.
2. On February 23, 2004, the said Defendant was served by leaving the pertinent documentation at the **last and usual** place of abode of the Defendant by a person who is not a party to this action (see copy of Return of Service marked **Exhibit A**, attached hereto, and made a part hereof).
3. Pursuant to the provisions of Rule 12 of the Federal Rules of Civil Procedure, the Defendant had twenty days after being served with the summons and complaint within which to serve an answer to Plaintiff's Complaint.
4. On or about February 24, 2004 the Defendant contacted Plaintiff's counsel by telephone but reached no resolve.
5. To date, the Defendant has failed and neglected to file an answer to Plaintiff's Complaint.

6. I have filed herewith a Request for Entry of Default, seeking that a Notice of Default be entered by this Court.
7. I have also filed herewith Form of Order entitled Notice of Default, for the Court's use if it shall determine that the said Defendant is in default.

Subscribed and sworn to, under the pains and penalties of perjury.

Respectfully Submitted for the Plaintiff,
DIRECTV, INC.
By Its Attorney,


Date


John M. McLaughlin (BBO: 556328)
MCLAUGHLIN SACKS, LLC
31 Trumbull Road
Northampton, MA 01060
(413) 586-0865

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vs.

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U.S. DISTRICT COURT
DISTRICT OF MASS

ORDER FOR NOTICE OF REQUEST
FOR DEFAULT

Upon requests of the Plaintiff for an order of default for failure of the Defendant to plead or otherwise defend, as provided by Rule 55(a) of the Federal Rules of Civil Procedure, notice is hereby given that the Defendant has been DEFAULTED this _____ day of _____, _____.

BY THE COURT

Deputy Clerk

EXHIBIT A

AO 440 (Rev. 10/93) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of MASSACHUSETTS

2004 APR 28 A 11:31

DIRECTV, Inc.

v.

Brian Silva

SUMMONS IN A CIVIL CASE

03 CV 12371 MLW

CASE NUMBER:

TO: (Name and address of Defendant)

Brian Silva
3 Heath Road
Peabody, MA 01960

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John M. McLaughlin
McLaughlin Sacks, LLC
31 Trumbull Road
Northampton, MA 01060

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.



TONY ANASTAS

CLERK

[Signature]

(By) DEPUTY CLERK

DATE

11/24/03